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The Argentine Situation Concerning Human Rights

September 1978

1. The Origins .-

For a decade, the Argentine Republic has gone through different violent episodes. Their origin, due in great measure to the absence of political legitimacy, will not be analyzed in this brief paper.

Since 1974, urban terrorism increased. The same occurred with rural guerrilla activity, centered in Tucumán Province. Simultaneously, violence from the extreme right developed, though its causes were hard to determine; this was not the case with left-wing subversion. However, as time passes by, it is possible to determine its inspirers and executioners.

Until the military coup d'etat of March 24, 1976, the constitutional government vainly tried to control the situation through its security organizations and judiciary apparatus. The armed forces, having actively intervened in the repression beforehand, took over full responsibility for the so-called "anti-subversive war" at that moment. Since then, this struggle has acquired a distinctive brand of ideological and social persecution. It has continued going on without interruptions, comprising ever more wider sectors of the population.

2. The Situation .-

The Argentine society as a whole, including political parties and syndicates, have continuously expressed their views against the violence employed by minor groups. They have also wanted the State - in its exercise of the monopoly of legitimate force and through its security forces and judiciary organs - to amend this state of events. However, this has not occurred. On the contrary, the repression - following a clear doctrine in this sense - has increasingly used terrorist methods. In doing so, it has appealed to the easy expedient of invoking a "dirty war", the state of necessity and the theory of collective security, as supreme values, foreshadowing the ethical principles and inherent values of the human being. No wonder that Argentina has been called a terrorist state, for its men in power have systematically and deliberately chosen clandestine methods of struggle, that include abduction, torture, murder, looting, bombing and other forms of terror.

The over-all balance sheet of this process up to this date, and after almost 2 years and a half of military rule, is dreadful.

Since 1974, the number of corpses - the majority unidentifiable - found in public places, according to news reports, amount to 4,000. The places many of them have been discovered (beaches on the River Plate and the Atlantic coastline, common graves, etc.) indicate that there are many more. No one doubts that they are the product of repression. When they can be identified, the public authorities do not publish their names.

The National Government has published a list of almost 4,000 persons detained at the disposal of the Executive Power, that is to say, by a decree signed by the President that does not state the cause of detention. Most of them have been in this situation for more than 2 years; however, some have already been detained for 4 years.

The Argentine government asserts that there are no political or conscientious prisoners, and that all persons detained are for subversive activities. However, it is hard to give another name to persons under arrest for lengthy periods of time without any formal charges, due process and, in some cases, without ever having been interrogated.

On the other hand, the way these prisoners are treated in jail and their life conditions are utterly deplorable. The established regime tends to their physical and psiquical destruction. They are forbidden to work and read. In some places no visitors are allowed. They are often punished without motive. Hittings are common and there have been well-known cases of murder cover-ups, giving as an excuse the attempt to escape or simply the excess of punishment, especially when being transferred to other detention centers. Others have been abducted after having been let officially free, and nothing has been known as to their whereabouts.

Though it is true that the authorities announce the liberty of around a hundred persons every month the number of those arrested remains constant, because an equal amount of citizens are detained in similar fashion.

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

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The right to leave the country, established by Art. 23 of the National Constitution for those at the disposal of the Executive Power during the state of siege, was immediately suspended after the coup d'état of March 24, 1976. It has been formally reestablished in 1978, but with so many limitations and obstacles, that it can be considered non-existent. In fact, only a minute quantity of prisoners, not more than a hundred, have been able to use that benefit, and the authorizations are given by piece-meal.

But the most serious and dramatic issue facing the country in this respect is that of the so-called "disappeared". As everyone knows and likewise has been confirmed many times, the so-called "disappeared" are citizens detained by the public authorities (armed forces or security organizations) that "vanish". In other words, from that moment on, nothing is known as to their whereabouts. There are "disappeared" persons of 3, 2 and 1 year, and even of several months ago. No one knows if they are dead or alive. The government affirms that it knows nothing about them, not being registered as detainees.

This is the systematic and almost mechanical answers the judges receive when they address the Executive Power and the armed forces in the Habeas Corpus writs presented by relatives of "disappeared" persons, Catholic Bishops and Ministers of other religious denominations, international organizations and those dedicated to the defense of human rights, foreign governments, and friends.

Now and then someone "reappears". He generally hides away or leaves the country, terrorized by the treatment he has received or because his life has been threatened. When one gets to talk to them they recount very similar procedures: they have been hooded or blind-folded in unknown places. However, most of them have a very clear idea as to where they have been, and the police and military nature of their detention sites, having been, in most cases, chained and hand-cuffed. They have also been savagely tortured and interrogated. Most of them are aware of having been in contact with dozens and sometimes hundreds of persons in their same condition.

To be able to have a clear picture of the situation Argentina is going through, it is important to determine the number of those "disappeared". The 3 organizations dedicated to this issue in the country - The Permanent Assembly for Human Rights (Asamblea Permanente por los Derechos Humanos), the Ecumenical Movement for Human Rights (Movimiento Ecueménico por los Derechos Humanos) and the Argentine League for the Rights of Man (Liga Argentina por los Derechos del Hombre) - have documented testimonies from relatives of over 3,000 officially detained persons who have instantly "disappeared". In many cases, there is sufficient evidence to implicate the armed forces or security organizations.

On May 17, 1978 those human rights organizations published, in Buenos Aires' "La Prensa" newspaper, a paid advertisement with a list of 2,500 "disappeared" persons. On July 28, they sent a note to the Minister of the Interior adjoining another list of 500. The number of testimonies constantly increases.

The file of each "disappeared" person contains the certificate of the Habeas Corpus writ presented by his family and negatively answered by the authorities. The government has not published the number of denunciations of "missing persons" it has. There is no doubt that it widely surpasses the amount on those lists. Neither have the authorities presented any statistics whatsoever as to the number of Habeas Corpus writs presented before the Courts.

At the same time, on May 17, 1978 - repeating a presentation made last year - a group of relatives of "missing persons", under the auspices of several lawyers, stated the question before the Supreme Court, adjoining the list of the 2,500 cases mentioned above. On both occasions, the Court declared its incompetence in the matter...

It is generally believed that the number of written testimonies presented before the above mentioned organizations by relatives of "missing persons" is relatively small compared to the total amount of actual cases. This is partly due to fear, distance, ignorance and the impossibility for these organizations to have access to the mass media. A sample of some 20 localities where, due to their size, it is possible to know about "disappearances", indicates that those 3000 have to be multiplied at least by 5. That is to say, the actual amount of detained and later "disappeared" persons is not inferior to 15,000. Other informed observers raise the figure to 30,000. Undoubtedly, the truth lies between both quantities.

It must be noted that the government has never found any of those "disappeared" individuals, though there is no doubt as to its success in the fight against subversion, the terrorist organizations having been totally wiped-out.

The Government states, on the one hand, that peace reigns throughout the country and that Buenos Aires is more secure than London, New York or Paris - a widely publicized argument in order to attract foreign visitors for the World Soccer Championship. On the other hand, hundreds of persons are

kidnaped every month, sometimes in broad daylight. And the same repressive organisms - so effective in crushing the guerrillas - never find anybody. This is utterly contradictory.

Moreover, after 2½ years of military rule and having eradicated the guerrilla movement, it is difficult to admit that the Commanders in Chief of the three armed forces have not been able to control their own ranks. There is only one alternative; either the military government - having been established for already 2½ years - does not exercise full control over the country and its own ranks -, a possibility contradicted by the facts, or the armed forces are responsible for the abductions.

The President has tried to explain these "disappearances" with unbelievable arguments. He has attributed them to the disappeared persons themselves or to the vengeance of subversive organizations. He has also admitted errors and excesses in the process of repression. But the country knows of not one punitive measure taken against those responsible for the excesses.

The existence of so many thousands of "vanished" persons has provoked a real trauma in Argentine society. The cruelty of its procedure, the uncertainty and the anguish it causes, has an incalculable moral, political and social cost. It is the greatest obstacle for the regime's legitimacy and for any process of democratization and popular participation. In the future it will blow-up as a source of reprisals, investigations and demands for punishment, with the resulting damages. The harm done to Argentina's foreign image contrasts with the government's insensibility towards the constant demands that, up to this moment, obtain nothing at all.

The authorities are unwilling to hand out any data concerning the fate of those "disappeared". Since no one believes them, they are fomenting citizen incredulity in their leader's word. Hundreds of mothers meet every Thursday, at 3:30 P.M., at Plaza de Mayo - in front of the government house in Buenos Aires -, in a peaceful and silent demonstration. They only want news about their children. They are frequently filmed and photographed by foreign correspondents. The dramatism in their attitude and the risks they run - 13 of them were kidnapped between December 8-10, 1977 and there has been no news as to their whereabouts - constitute a permanent symbol of the sufferings of thousands of families and of popular determination to resist oppression.

There is no doubt that the armed forces and security organizations use torture, in a systematic and refined way, as the main form of investigation and punishment. The testimonies of hundreds of freed "disappeared" persons and those imprisoned at the disposal of the Executive Power or having been indicted, corroborate this fact, including the privately frank or half-admissions of many military officers. The accounts received are numerous and horrifying.

There is also no doubt as to the existence of clandestine summary executions, though their number is unknown, due to the system of abduction. In other cases, especially concerning hostages or as reprisals, the murders are in broad daylight, but the executioners, sometimes singled-out, are not punished.

There is persuasive evidence of the existence of concealed concentration camps, where the surviving "disappeared" persons would be interned. These references sustain the hope of most families and limit their reaction before the authorities.

To the above mentioned facts one must add the systematic pillage of the homes of those "disappeared" and detained, and sometimes of their parents and relatives. (They justify it as war booty and as a necessary compensation for the executioners). The frequent practice of soliciting money in exchange for information - true or false - about the fate of those "disappeared". The massive layoffs - in the public administration and educational institutions, both public and private - of the personnel suspected of ideological deviation. And the rigid press self-censorship, based on prohibitions, guide lines and threats. Most syndicates are officially intervened. The right to go on strike has been suspended and political parties have had their activities discontinued.

3. The Ideology .-

The preceding description of the Argentine situation cannot be fully understood if one believes that the above mentioned facts - as widely publicized - are the product of occasional excesses, the spontaneous reaction of society, or the lack of control by the military authorities. Undoubtedly, there are overflows, but they are caused by the system adopted.

As a matter of fact, what occurs in Argentina - as can be visualized after more than 2½ years of military government - is the application of a system based on an ideology. The system consists of a political and strategic decision by the armed forces to combat subversion - or whatever the regime labels as subversion - clandestinely, using terrorist methods and bypassing, not only penal law and the judiciary, but also the regular security organizations. This procedure was probably adopted in mid-1975, when General Videla became Commander in Chief of the army.

Definite proof of this affirmation sprouts from the following figure: it can be estimated in 100.000

...the number of persons involved in repression, among deaths, "disappearances", jailings at one moment or another, exiles fleeing from persecution, investigations, and dismissals from jobs for ideological motives, etc..

According to official data, there are 800 prosecutions in Argentina (500 before the federal civil courts and 300 facing military justice), in other words, hardly 1% of the total amount of suspects. It must also be noted that the 500 mentioned indictments were initiated before March 24, 1976, even when verdicts of concluded cases were handed down afterwards. It is also known that neither the death penalty - foreseen in the penal code - nor harsh penalties have been applied by civil courts, and there is no information concerning their application by military tribunals. However, it has been constantly repeated, in speeches and declarations made by the authorities, that the members of subversive organizations are "irrecoverable" and that they should be eliminated. General Videla, soon after being named Commander in Chief of the army in October 1975, affirmed in a speech delivered in Montevideo that "if needed, all the necessary persons will have to die in Argentina in order to assure the country's security" (conf.: "Clarín", May 3, 1978).

There is no doubt at all that, once an autonomous repressive apparatus has been established - divided as the guerrillas in cells, empowered to investigate, abduct, detain persons indefinitely and secretly, torture, loot and assassinate -, one loses control of its activities. One also arrives to the present situation in which the internal conflicts of the armed forces and the governing factions are conciled in a similar fashion. However, this does not exempt from responsibility those who, not only created such a system, but continue to maintain it as time goes by, without having taken at least some visible measures to eliminate it.

The above described system is actually based on a doctrine. It is the so-called theory of national security, which prevails over the essential principles and values of several millenium of civilization. It is based on the belief that the end justifies the means, and that repression - as has been sustained in speeches and declarations - is excluded from any ethical, judicial or simply human consideration. It has been said that the only interest is to succeed, no matter the price. It has also pretended that only history will be able to judge the actions of the armed forces, as if they were exempt of any moral, political and penal responsibility. The attempt is likewise to have the stated facts forgotten as time passes by.

This totalitarian conception - without considering the democratic public statements made - involve the armed forces and certain segments of Argentine society, especially those with the greatest economic power, and middle-class groups. These are easily influenced by the persistent official propaganda that tries to present the defense of human rights - both inside and outside the country - as an attack on the Argentine community and sovereignty.

4. The Present .-

It should be very clearly stated that the previously described repressive apparatus continues its mission without any modification whatsoever - the announced eradication of the subversive organizations notwithstanding -. There has been no amelioration. On the contrary, in May, June and July 1978, the number of abductions and illegal operations increased with respect to those of March and April. One can also frequently hear, in the innumerable official speeches, that now commences the fight against the so-called "ideological subversion", enthroned - as it is affirmed - in educational institutions, the intellectual milieu, the religious denominations, the syndicates and other quarters.

There is equally much talk referred to the present fight against subversion. In this respect - and with a messianic overtone - it is sustained that Argentina - facing the weakness of the Western World, of which Argentina aspires to be a member, while denying its historical values - is at the vanguard of the Third World War, and that the definite battle has already been won. Therefore, the country is now in a privileged situation to teach democratic nations, exporting its anti-guerrilla methods.

Carefully examining official declarations, one will note that these never specifically answer the facts stated and criticized. There is only a prolonged silence. Never is the case of a "disappeared" person clarified, though there is more than sufficient evidence as to the involvement of the armed forces and security organizations. Everything is simplified to the affirmation that Argentina is at war, that in a war there are deaths and "disappearances", that the authorities are not properly understood, that it is an unwanted "dirty War", that there is no other efficient way to proceed. Truthfully, a tacit and sometimes explicit admission - especially in private - of that explained in the preceding numerals.

Due to this, the Argentine government considers any preoccupation for human rights - no matter the source - as an arm of subversion. This comprises the organizations dedicated to the subject - both national and international -, the committees of inter-american organizations, churches, foreign governments and political parties.

At this moment, the Argentine organizations dedicated to the defense of human rights center their demands on 4 very concrete and essential points. These are: (a) Government information of the fate of the so-called "disappeared" persons. This is essential and a civilized state cannot elude it. (b) An end to illegal and clandestine procedures, and the consequent repressive use of the judicial and legal apparatus. (c) The indictment or, in its defect, liberation and the right to leave the country for those detained at the disposal of the Executive Power. (d) A substantial improvement of the treatment prisoners receive in jail.

As can be easily seen, these are priority and elementary petitions. No one asks for liberties, nor amnesties, nor even less that the State - in the exercise of its duties and rights - abandon the function of safeguarding public security and the sanction - through the appropriate legal process - of both common and political crimes.

All, churches, political parties, organizations defending human rights, are decidedly against terrorism and illegitimate violence, no matter the source. Every day more voices rise - even among the supporters of the present regime - asking for a return to the state of law. A powerful State, being able to repress violent actions, but with a legal framework. A State that can impose discipline on its own armed forces - anarchized to a certain extent - as the sole guaranty facing the instinct of vengeance and the homicidal furore, derived from fanaticism and its inevitable consequence, corruption and degradation.

Unfortunately, there is no progress foreseen in this respect. Only words, thousands of hollow words, each time more generic and in no relation to the facts. The last changes in the national power scheme have no significance at all. The few attenuations - house arrests and several liberations or "appearances" - are minute gestures and generally respond to situations that could have some political significance. But they do not involve the most serious and massive facts. And every day that goes by without a decision in the form mentioned above, entails continued sufferings and risks, and makes even more difficult the search for solutions.

5. The Future .-

From the facts presented, the country's future, in the short and the long run, is unpredictable, with a pessimistic perspective in sight. Politics have been subordinated to the so-called "anti-subversive war", instead of being the other way around. There is a real moral and intellectual deformation, especially among members of the armed forces and in certain segments of society. Other groups - for vested interests, venality or opportunism - have joined the bandwagon of adulators, and deny or justify evident facts, as can be noted by reading the declarations and paid advertisements that overwhelm local newspapers.

One can notice how cowardice, the concealment of truth, the tendency to shut one's eyes and ears on reality, flourishes - just like in Hitler's Germany. Freedom of speech on these subjects is non-existent and one is constantly exposed to "disappearance" and death. The latest episodes of this nature apparently derive from internal conflicts among the governing factions.

Within this framework and in relation to the future of Argentine society, there exists a particularly grave situation. It concerns the abduction of very young children and it is also referred to the lack of news - on the part of their families - of the newborn babies of pregnant mothers at the moment of their abduction. The grandparents - despite continuous efforts - have obtained no information whatsoever of their grandchildren's whereabouts, neither their custody. There is evidence that some of these children have been given away in adoption to other homes, with the consequent loss of identity. This entails - the same as the reprisals against innocent relatives of detained persons - a degradation to barbarism. It is only conceivable in tribal or primitive communities, prior to the most elementary forms of civilization.

At a moment that all instances (the Executive Power, the Judiciary, the armed forces, the Episcopate, international organizations) seem exhausted, the Argentine society must vigorously denounce and react before these facts. An authentic vindication and unanimous decision to emerge from this situation and achieve internal peace and reconciliation. But this will only be possible with the truth, personal integrity, comprehension, love of one's neighbor, respect for human dignity, generosity and justice. Without waiting any longer, it is necessary that torture cease at this moment, illegal procedures be terminated, information be given out about detained "disappeared" persons, that those arrested at the disposal of the Executive Power be indicted, freed or permitted to leave the country and the treatment in jails be humanized.

But human rights will not really be in force until democracy, the constitutional system and the freedom of speech are reinstated, until there again exists an independent judiciary and those responsible for the accounted facts are punished.

Buenos Aires, September 1978